

REMARKS

Claims 1 – 13 are rejected. Claims 1 and 9 are independent claims. Claim 4 has been canceled. Claims 1 - 13 are remain pending, of which the independent claims are 1, 5 and 9. Claims 1 and 9 have been amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1-13 stand rejected under 35 U.S.C. 102 (e) as anticipated by Laporta et al. (US 6,014,429). Applicant respectfully traverses this rejection.

Amended claims 1 and 9 and claim 5 as currently written recites, “method for exchanging a message using a short message service (SMS) between a sending party and a receiving party,” wherein, inter alia, “**optional response messages are stored in memory of a second portable digital phone**” and returned **over a call connection.**” or alternatively same “**SMS channel.**” Support for this feature is found in both the specification and the drawings (page 10, line 4 to 5, FIG. 2B)

In contrast, Laporta discloses a two-way wireless messaging system which utilizes a transaction server and user agents. Laporta describes a ‘user agent’ which includes a plurality of stored messages; not in the second digital phone or receiving party device, but in the two-way messaging network. (See FIG. 2, 12(user agent) and 11(device); FIG. 3 50-56(user agents) 50a, 60, 57c (devices); FIG. 5 12 (user agent) 11, 27 and 22 (device)). Laporta’ s messaging network has a **first communication channel** over which a subscriber to the messaging network receives a message from the messaging network and a **second communication channel** over which the subscriber sends a message to the messaging network Col 5, line 16 to 35). According to Laporta, “[t]he original

message code is expanded by the user agent 12 so that the **downlink message** to the desired destination can include full information,” such as “a short group identifier and message number.” (Col. 5, line 32 to 34, Col. 6, line 16 to 17).

For message reply, the **uplink message** contains only a reply code. This is expanded back to the full reply inside the network.

(Col. 6, line 19 to 21).

Laporta use of a wireless network utilizing several servers and user agents and multiple communications channels is not structurally or functionally similar to the present invention which discloses less “complicated procedures of connecting to the sender’s phone number and/or drafting a response.” (page 3 line 6 – 9). Specifically, the present invention uses one connection channel (“over a call connection” or “said SMS channel”) and stores the optional response messages on the second digital phone not on a wireless network as set forth in the amended base claims. For these reasons, Laporta fails to anticipate the invention as recited in amended claim 1, 5 and 9. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3 and 13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Laporta et al (US 6,014,429) in view of Pepe et al. (US 5,742,905). Applicant respectfully traverses this rejection.

Claims 3 and 13 disclose a “method for exchanging a message using a short message service (SMS) between a sending party and a receiving party,” wherein, *inter alia*, an optional response message is transmitted back to the sending party includes a **call-back number** provided by said receiving party.

In contrast, Pepe relates to personal communications internetworking. More specifically, Pepe provides a network subscriber with the ability to remotely control the receipt and delivery of wireless and wireline voice and text messages. (Col. 3, line 45 to 58). Hence, Pepe does not read on either claim 3 or 13 as those claims disclose an alternative embodiment of the present invention where a receiving party can enter a phone number as a response a message.

Moreover, Pepe's network operates as an interface between various wireless and wireline networks and also performs media translation, where necessary. According to the Office Action, Pepe discloses at Col. 34, line 50-69, a method wherein a message of optional responses messages are transmitted back to the sending party including a call-back number provided by a receiving party. Applicants find no support for this conclusion. Pepe, as read by applicants discloses the use of a PCI server ("personal communications internetworking") which "is a peripheral which performs messaging and call redirection functions and interfaces with the PCI Database to update a subscriber profile." (Col. 8, line 31 to 35). The specific section of the disclosure cited by the office action explains how Pepe allows a subscribers to impute their office fax number into their profile maintain in the PCI Database. Neither Pepe nor Laporta teach, anticipate or make obvious the present invention method of wireless to wireless (over a single connection channel, as discussed above), exchange of an optional response message which is transmitted back to the sending party includes a call-back number provided by said receiving party as recited in claims 3 and 13. Laporta and Pepe merely illustrates the problem in the prior art where messaging from a PDA or other undergoing a complicated procedures of connecting to the sender's phone number and/or drafting a response. Therefore, Reconsideration and withdrawal of the rejection is respectfully requested.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited reference. A notice of Allowance is respectfully requested.

Respectfully submitted,
CHA & REITER

By:



Steve S. Cha
Registration No. 44,069

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Cha & Reiter
210 Route 4 East, #103
Paramus, NJ 07652
Telephone: (201) 226-9245
Facsimile: (201) 226-9246

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Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)



(Signature and Date)